REMARKS-General

1. The newly amended independent claim 31 and claim 47 incorporate all structural limitations of the corresponding original claims and include further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 31-50 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

2. With regard to the rejection of record based on prior art, applicant will advance arguments to illustrate the manner in which the invention defined by the newly introduced claims is patentably distinguishable from the prior art of record. Reconsideration of the present application is requested.

Response to Rejection of Claims 31-50 under 35USC103

3. The Examiner rejected claims 31-50 under 35USC103(a) as being unpatentable over Watts (US 2002/0129276) in view of Heider (US 5,276,863) and Largman et al. (US 2002/0188887). Pursuant to 35 U.S.C. 103:

"(a) A patent may not be obtained thought the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made."

4. In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

5. In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Watts which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Heider and Largman et al. at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

6. The applicant respectfully submits that the differences between the instant invention and Watts are not obvious in view of Heider and Largman et al. under 35USC103(a), due to the following reasons:

(A) Regarding the newly amended claim 31, Watts, Heider and Largman et al. fails to anticipate a computing system for securely accessing a first and a second networks, comprising: a central processing unit which is able to operate in a first and a second operation status; a first storage unit storing information of said first operation status wherein said information is utilized by said central processing unit to execute computing operation in said first operation status only; a second storage unit storing information of said second operation status wherein said information is utilized by said central processing unit to execute computing operation in said second operation status only, wherein said first storage unit and said second storage unit are separated and said information of said first storage unit can not be accessed in said second operation status, said information of said second storage unit can not be accessed in said first operation status; a first network adaptor which is communicatively connected with said first network in said first operation status only; a second network adaptor which is communicatively connected with said second network in said second operation status only, wherein said first and second networks are physically separated, wherein said first network can not be connected in said second operation status, and said second network can not be connected in said first operation status; and a switch device operatively communicated with said central processing unit to switch said operation status between said first and second operation status, wherein in said first operation status, said central processing unit is switched to access operation status information form said first storage unit, and said computing system is connected with said first network, wherein in said second operation status, said central processing unit is switched to access operation status information form said second storage unit, and said computing system is connected with said second network, wherein during the switching of operation status said central processing unit doesn't execute other computing operation.

(B) The examiner is of the view that it would have been obvious for one having ordinary skill in the art to modify Watts and combine with the teaching of Heider and Largman et al. in order to produce the instant invention. The applicant respectfully disagrees. The purpose of the present invention is to use one computer to access two ***physically separated networks*** conveniently and safely. It is very important to separate the access of the two networks, so the performance in one network will not affect the performance in another network. In this purpose, the information of different operation statuses must be stored in different storage units and can not be shared by different operation statuses. In light of this purpose, the applicant would like to point out that in Heider's invention, the storage unit is only used for data/information backup, there is no security function, no protection for the data access, virus or unfriendly program can easily affect the backup data/information.

(C) Likewise, in Largman's invention, the disclosure only mentioned that they can switch the hardware in a computer. The Largman's invention only cares about if the hardware can perform ordinarily. Largman's technique cannot accomplish data protection, user identification. Also Largman's technique can only switch the hardware, it can not switch the operation status which is very import in the present invention.

(D) The Examiner appears to reason that since Heider and perhaps Largman et al. teaches that storage unit can be used to store information of operation status, it would have been obvious to one skilled in the art to combine Watts and Heider and Largman et al. in order to produce the instant invention. But this is clearly **not** a proper basis for combining references in making out an obviousness rejection of the present claims. Rather, the invention must be considered as a whole and there must be something in the reference that suggests the combination or the modification. *See Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 488 (Fed. Cir. 1984) ("The claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination"), *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984), ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") *In re Laskowski*, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989), ("Although the Commissioner suggests that [the structure in the primary prior

art reference] could readily be modified to form the [claimed] structure, "[t]he mere fact that the prior art could be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") In the present case, there is no such suggestion, at least because, as mentioned earlier, the storage unit disclosed in Heider is only used for data/information backup, there is no security function, no protection for the data access, virus or unfriendly program can easily affect the backup data/information.

(E) In any case, even combining Watts and Heider and Largman et al. would not provide the invention as claimed -- a clear indicia of nonobviousness. *Ex parte Schwartz*, slip op. p.5 (BPA&I Appeal No. 92-2629 October 28, 1992). That is, modifying Watts with the teaching in Heider and Largman et al, as proposed by the Examiner, would not provide the instant invention because there are structural and functional differences between the instant invention and Heider and Largman et al. as identified above.

(F) Indeed, the only mention of the features of the instant invention is in applicants own specification and claims. Accordingly, it appears that the Examiner has fallen victim to the insidious effect of a hindsight analysis syndrome where that which only the inventor taught is used against the teacher in *W.L Gore and Associates v. Garlock, Inc.*, 220 USPQ 303, 312-313 (Fed. Cir. 1983) cert. denied, 469 U.S. 851 (1984).

(G) "The mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art." *Libbey-Owens-Ford v. BOC Group*, 4 USPQ 2d 1097, 1103 (DCNJ 1987). While it is permissible to modify a reference's disclosure in the examination of patent applications, such modifications are not allowed if they are prompted by an applicant's disclosure, rather than by a reasoned analysis of the prior art and by suggestions provided therein. *In re Lesilie*, 192 USPQ 427 (CCPA 1977). In hindsight, the Examiner may feel that it would be obvious to combine Watts and Heider and Largman et al. in order to produce the instant invention, such hindsight reconstruction is not a permissible method of constructing a rejection under 35 U.S.C. 103. *In re Warner and Warner*, 154 USPQ 173, 178 (CCPA 1967).

7. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

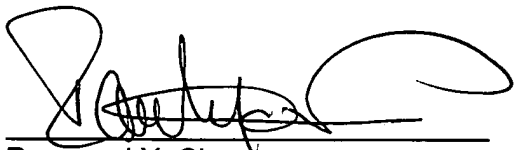
The Cited but Non-Applied References

8. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

9. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the rejection are requested. Allowance of claims 31-50 at an early date is solicited.

10. Should the examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

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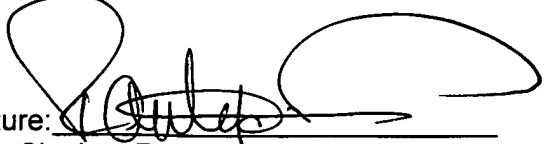

Signature:
Person Signing: Raymond Y. Chan